



232 Matthews Station Street
Matthews, NC 28105
704.847.4411

**ZONING APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE TEXT CHANGE
AS PROVIDED IN THE UDO AT 155.401.3**

APPLICATION NUMBER 2021-736 DATE FILED June 30, 2021
APPLICANT'S NAME Oaklore Distilling Company, LLC c/o Colin R. McGrath, Esq., Poyner Spruill LLP
APPLICANT'S MAILING ADDRESS 301 Fayetteville Street, Suite 1900, Raleigh, NC 27601
APPLICANT'S PHONE NUMBER/EMAIL ADDRESS 919.783.2951/cmcgrath@poynerspruill.com

I request consideration of the following change in text of the Matthews Unified Development Ordinance:

Requested text change is:

- ☒ a change in wording to existing Section(s)
☒ an addition to Section(s)
☐ a deletion of wording at existing Section(s)

Below is the text requested to be changed, added or deleted:

Existing Section See Exhibit A attached. Proposed Section See Exhibit A attached.

See Exhibit A attached.

(continue on additional page(s) as necessary)



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What is the intended effect of this request?

The intent of these combined text amendments is to provide greater flexibility in the location of small-scale distilleries within the Town of Matthews. Given the safety, economic value, and entertainment aspect of modern distillery activity, allowing distilleries in the B-1 zoning district subject to the prescribed conditions above will further the Town's goal of increasing the diversity of businesses within the Town and will regulate these smaller facilities more like microbreweries. Further, reducing the existing separation requirement from any dwelling unit to 50 feet strikes an appropriate balance between buffering this land use from residential property and encouraging distilleries, especially small-scale distilleries, in areas within the Town with which this use is compatible. Distilling of alcohol which exceeds 3,000 square feet gross floor area will remain permissible only in the I-2 district, appropriately limiting those truly industrial-scale operations to compatible districts.

APPLICANT SIGNATURE

DocuSigned by:

Colin R. McGrath

6/30/2021

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FILING INSTRUCTIONS

An application for text amendment of the Matthews Unified Development Ordinance must be completed on the application form provided for such purpose and submitted with the appropriate fee to the Town Hall. The application shall be reviewed by the Town Planning and Development Department for completeness and then submitted to the Town Board of Commissioners for acceptance. The Town Board of Commissioners shall set a public hearing date according to their policy. The application shall be considered at a public hearing held jointly by the Town Commissioners and the Planning Board.

After the public hearing the application shall be reviewed by the Planning Board at their next regular meeting. At that meeting, the Planning Board may recommend approval, denial, or approval with conditions. This recommendation is then passed on to the Board of Commissioners at their next regular meeting in which zoning issues are discussed, according to Town Board policy. The Town Board of Commissioners may then approve, amend and approve, deny, or table action on the application. Any decision of the Town Board is final and subsequent revisions shall be handled in this same process as a new application.

The application for text amendment may be withdrawn by the Applicant at any time up to and including fifteen (15) days prior to the hearing date. Any subsequent withdrawal shall only be allowed by action of the Town Board of Commissioners.

ZONING APPLICATION FOR ORDINANCE TEXT CHANGE FEE:

Add a permitted use:	\$100
Any other reason, fewer than three (3) paragraphs affected:	\$250
Any other reason, three (3) or more paragraphs affected:	\$400

Exhibit A – Proposed Text Changes

Section 155.05

Add *Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45* as a permitted use with prescribed conditions (“PC”) in the B-1 zoning district in the Tables of Allowed Uses.

Section 155.506.45(B)(6)

Existing Language

The distilling of alcohol and alcoholic beverages in the I-1 district shall not exceed three thousand (3,000) square feet gross floor area. Manufacturing facilities greater than three thousand (3,000) square feet shall only be in the I-2 district.

Proposed Change

The distilling of alcohol and alcoholic beverages in the **B-1 or** I-1 districts shall not exceed three thousand (3,000) square feet gross floor area. Manufacturing facilities greater than three thousand (3,000) square feet shall only be in the I-2 district.

Section 155.506.45(B)(7)

Existing Language

Any distilling or manufacturing of alcohol and alcoholic beverages shall be separated by a minimum of five hundred feet (500') from any dwelling unit in existence at the time the manufacturing facility receives any related building permit for construction or upfit. Within the ENT district, no minimum separation is required between a brewpub and a dwelling unit.

Proposed Change

Any distilling or manufacturing of alcohol and alcoholic beverages shall be separated by a minimum of ~~five hundred feet (500')~~ **fifty (50')** from any dwelling unit in existence at the time the manufacturing facility receives any related building permit for construction or upfit. Within the ENT district, no minimum separation is required between a brewpub and a dwelling unit.